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UNITED STATES TRANSPORTATION COMMAND'S PROCUREMENT RESPONSIBILITY AND AUTHORITY

BY

LIEUTENANT COLONEL CHARLES H. JORGENSON United States Army

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USAWC STRATEGY RESEARCH PROJECT

United States Transportation Command's Procurement Responsibility and Authority

by

Lieutenant Colonel Charles H. Jorgenson United States Army

> Professor Sweeney Project Advisor

The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

U.S. Army War College CARLISLE BARRACKS, PENNSYLVANIA 17013

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ABSTRACT

AUTHOR:

Lieutenant Colonel Charles H. Jorgenson

TITLE:

United States Transportation Commands Procurement Responsibility and Authority

FORMAT:

Strategy Research Project

DATE:

6 April 2000

PAGES: 33

CLASSIFICATION: Unclassified

United States Transportation Command's (USTRANSCOM) charter assigns responsibility and authority to procure commercial transportation services. USTRANSCOM has not received a delegation from the Secretary of Defense to execute this responsibility and authority, as Head of Agency (HA). USTRANSCOM's Transportation Component Commands (TCCs) execute procurements supporting USTRANSCOM's mission, under their Service Secretary's HA authority. USTRANSCOM as HA would delegate procurement execution authority to the TCCs. Commercial transportation services are essential in providing the Department of Defense (DOD) strategic transportation. The current procurement authority structure supporting the Defense Transportation System (DTS) is fragmented and results in overlapping authorities between the TCCs. DTS customers reimburse USTRANSCOM's working capital fund for costs incurred by USTRANSCOM and TCCs for DTS movements. Numerous audits and reviews have criticized the current procurement process. Streamlining and reengineering of the DTS procurement process would lower costs and improve efficiency. USTRANSCOM has led numerous initiatives to gain HA authority, all of which have failed. Without authority as HA USTRANSCOM can not control and streamline the DTS procurement process. As HA for the procurement of transportation services, USTRANSCOM would lower DTS costs for DOD.

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PREFACE

I wish to thank my advisor Dr. Thomas Sweeney, he provided direction for this research, and insured that I discussed the salient points of this topic. My wife Gail was and is my inspiration and the one who gave up the most time to allow me to plug away at the computer.

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UNITED STATES TRANSPORTATION COMMAND'S PROCUREMENT RESPONSIBILITY AND AUTHORITY

United States Transportation Command's (USTRANSCOM) procurement authority does not match its responsibility to procure commercial transportation services in support of Defense Transportation System (DTS). USTRANSCOM'S charter states, it has the responsibility and authority to procure commercial transportation services in support of its mission. But as required by Department of Defense (DOD) policy USTRANSCOM has not received a delegation to execute this responsibility and authority. Such delegation of procurement authority from the Secretary of Defense (SECDEF) is required to establish it as a Head of Agency (HA) for the procurement of transportation services. With USTRANSCOM as HA for the procurement of transportation services, its Transportation Component Commands (TCCs) would gain their procurement authority from USTRANSCOM and not their respective Service. Procurement authority for transportation services executed by USTRANSCOM's TCCs, is delegated from their respective Service Secretary's. This leaves USTRANSCOM with responsibility and authority to procure transportation services in support of its mission but not the delegation as to execute this mission.

USTRANSCOM located at Scott Air Force Base (AFB), Illinois, has the mission of providing air, land and sea transportation to the DOD in time of peace and war. USTRANSCOM's TCCs are the Air Force's Air Mobility Command (AMC), located at Scott AFB, Illinois, originally Military Airlift Command (MAC), the Navy's Military Sealift Command (MSC), located at the Washington Navy Yard in Washington D.C. and the Army's Military Traffic Management Command (MTMC), located in Falls Church, Virginia.

USTRANSCOM HISTORY

USTRANSCOM was created as a unified command on 18 April 1987 by order of President Ronald Reagan. National Security Decision Directive (NSDD) 219 directed the establishment of a unified transportation command. It was assigned three component commands; MAC (now AMC), MSC, and MTMC. After much study DOD had arrived at the decision that in order to solve a myriad of deployment related planning and execution problems, such as the lack of intransit visibility (ITV), a unified transportation command was needed. The command was to have the clout to make the Services standardize the deployment process, a prerequisite for ITV, and the resources and energy to develop an ITV system for the DOD. The deployment process at the time was fragmented among the Services, with no central focal point for the deployment process. The Army was the only Service initially supporting the establishment of such a command. Reluctantly the Air Force eventually supported the establishment of such an organization, even though it meant the loss of Specified Command status of MAC. The Navy and the Marine Corps were opposed to the establishment of a transportation unified command. The Navy disagreed with the establishment of a unified command with forces assigned in peace time and war time. The Navy felt that the establishment of a transportation unified command would add additional layers and a duplication of existing process. The Navy recognized problems in the deployment process but felt they

were fixable with current organizations.⁵ The Marine Corps wanted to initiate a comprehensive management analysis of the issue. It took the Chairman of The Joints Chiefs of Staff (CJCS), Admiral William J. Crowe Jr., to cast the first ever deciding vote to break the Chiefs' tie. This vote sent the proposal to the Office of the Secretary of Defense and the President, recommending the establishment of USTRANSCOM.⁶ So, even in its inception USTRANSCOM was not without controversy as to its authorities and relevance. Service reluctance to accept a new unified command so shortly after the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, and the transferring of Service responsibilities to the unified commanders may have contributed to the reluctance for change to the deployment process. In the end the establishment of USTRANSCOM was seen by its supporters, as the long sought after remedy to the fragmented and often criticized transportation deployment process.

Soon it became apparent that in reality, the nation's newest unified command was created with structural flaws. USTRANSCOM's Implementation Plan, the command's original charter, allowed the Services, Air Force, Army and Navy, to retain their single manager charters for their respective transportation modes. Even more restrictive, the document limited USTRANSCOM authorities primarily to planning and wartime. The Implementation Plan further limited USTRANSCOM's authority by directing the Command to; "Coordinate(s) with the Services on wartime-related transportation and traffic management issues. This left USTRANSCOM in an advisory role to its component commands for day-to-day operations with no ability to affect DTS policies or procedures. During peacetime operations USTRANSCOM had little authority to direct the TCCs. During peacetime the TCCs continued to operate day-to-day much as they did before the establishment of USTRANSCOM. Under their DOD charters, the TCCs controlled industrial funds and maintained responsibility for service unique missions, service oriented procurements, maintenance scheduling, and controlled their single manager transportation operations.

DESERT SHIELD AND DESERT STORM

Desert Shield and Desert Storm (DS/DS) highlighted issues and problems of not having both peacetime and wartime DOD transportation management under the unified command. DS/DS transportation requirements were the first test of USTRANSCOM as the single command responsible for strategic deployment. Coordinating the movement of nearly 504,000 passenger, 3.6 million tons of dry cargo and 6.1 million tons of petroleum products stressed the DTS. While DS/DS proved USTRANSCOM's value and necessity, it also underscored the importance of the linkage between peacetime operations and policies and wartime. USTRANSCOM's success in DS/DS gained it a great deal of DTS user support for expanding its authorities and responsibilities. Transportation peacetime responsibilities and procedures formed the basis for wartime execution. With USTRANSCOM playing a minor role in peacetime execution and then to suddenly thrusting it into the lead during a deployment resulted in combatant commanders sometimes not having a clear path to direct questions as the

deployment into the Middle East progressed. There were issues of transportation supporting infrastructure degradations due to lack of funding by Services in the years leading up to this massive deployment. Ports and railheads on Army posts were in significant decay and required extensive emergency funding to allow deployment to progress at some sites. It was apparent that Unified Commanders and Services needed USTRANSCOM assistance to put strategic mobility programs higher on their funding priorities and required greater attention to educate their forces in the operation of the DTS. ¹⁰

Despite the success of DS/DS, a consensus in DOD was formed that USTRANSCOM was not yet fully operational as the DOD common-user transportation manager and still lacked adequate control of the DTS. It needed to have the same roles, responsibilities and authorities in peace as it had in war. These issues along with others were brought to the attention to the CJCS, General Colin L. Powell. The peacetime responsibilities of the Commander in Chief USTRANSCOM (USCINCTRANS), especially in a crisis short of war, were absent from his current delegated authorities. The command's original charter as interpreted had designated USTRANSCOM as a wartime only oriented command. Thus, authorities not granted to USCINCTRANS in peacetime, but necessary to manage a wartime strategic deployment, had been left out of the USTRANSCOM initial charter. Some of the missing authorities included: (1) operational control of the TCCs; (2) charter to act as the single manager of all strategic lift asses; and (3) charter to be the single traffic manager. Joint Staff analysis concluded that to deny USCINCTRANS such authority;

Risks establishment of deployment priorities and allocation of deployment assets (during war) that neither match the priorities of the supported CINC, nor reflect the optimum use of mobility assets envisioned by (those who formed) USTRANSCOM. The observation that we should organize in peacetime as we will fight in wartime—avoiding separate command arrangements for peace and war—strongly applies here. ¹³

A follow-up memo to the Director of the Joint staff noted the USCINCTRANS further required:

Authority in peacetime day-to-day to direct that MSC, MTMC, and MAC (AMC) operate and exercise in a manner compatible with the Joint Operating Planning and Execution System (JOPES) deployment management system,... to participate in key policy and doctrine formulations that his components establish with their parent Service,... and to see into programs and plans of his components in order to judge the overall balance, appropriateness, and adequacy of lift programs.¹⁴

The CJCS forwarded a recommendation to the SECDEF instituting a change to USTRANSCOM's charter. The proposed change centered around whether to provide USTRANSCOM with Operational Control (OPCON) or Combatant Command (COCOM) of the TCCs on a full-time basis. While OPCON is temporary in nature and can be delegated, COCOM cannot be redelegated. It is the authority delegated to combatant commanders to perform functions of command over assigned forces involving organizing and employing commands and forces. It allows them to assign tasks, designate objectives, and give authoritative direction over all aspects of the military operations, joint training, and logistics necessary to

accomplish the missions assigned to the command. 15 TCC transportation assets would also fall under USCINCTRANS control during both peacetime and wartime.

CURRENT CHARTER SIGNED

On 14 February 1992, the SECDEF issue a memorandum titled "Strengthening Department of Defense Transportation Functions." This memorandum provided USCINCTRANS with a new charter. Nicknamed the "Valentine's Day Memo," it was codified in DoD Directive 5158.4, "United States Transportation Command, on 8 January 1993. The command was given COCOM over the TCCs during peacetime and wartime. The new mission statement of USCINCTRANS delegated a peacetime as well as wartime mission:

The mission of the Commander in Chief of the United Sates Transportation Command shall be to provide air, land, and sea transportation for the Department of Defense, both in time of peace and time of war. ¹⁶

USTRANSCOM gained control of the Defense Business Operating Fund Transportation (DBOF-T). DBOF-T comprises Defense Business Operations Fund accounts used to fund the cost of transportation services. Previously separate funds were under the control of the TCCs, each with a different service flavor to the funding and payment process. This consolidation of funding was a step to further streamline the DOD deployment process. DBOF-T evolved into the current fund designated the Transportation Working Capital Fund (TWCF). Consistent with working capital fund policy, users of the DTS are charged for services using rates that cover costs incurred by USTRANSCOM and the TCCs as a result of providing military and commercial transportation services to the DTS user. These costs include all direct, indirect, and overhead costs associated with a particular transportation action.

The directive discussed procurement responsibility and authority. It delegated authority to procure commercial transportation services (including lease of transportation assets) in accordance with applicable law as necessary to carry out the mission of USCINCTRANS. ¹⁷ Unfortunately this is as far as the directive went, there was no delegation to execute procurement authority, nor did it direct the TCCs to gain their procurement authority from USTRANSCOM.

PROCUREMENT AUTHORITY BACKGROUND

The Federal Acquisition Regulation System consists of the Federal Acquisition Regulation (FAR) and implementing agency regulations. This system is the single system of Government-wide procurement regulations followed by executive agencies as specified in 41 U.S.C.§ 405(a). The FAR was developed in accordance with the Office of Federal Procurement Policy Act, 41 U.S.C.§§ 403(4) and 405 (a)¹⁸. It is supplemented by the DOD in the Defense FAR Supplement (DFARS). Together the FAR and the DFARS form the basis for procurement actions within the DOD. The DFARS is further supplemented by HAs, procurement commands and organizations with the DOD, the supplementation can only add and not detract from the FAR and DFARS. For example, each Service has its own DFARS supplement with Service specific instructions and procedures.

Procurement authority for DOD originates in The United States Code. Authority to procure supplies and services is delegated from the SECDEF through the Under Secretary of Defense (Acquisition, Technology & Logistics) (USD (AT&L)) and the Director of Defense Procurement to what the procurement system classifies as a HA. HAs then delegate procurement authority to subordinate procurement organizations by establishing Head of Contracting Activities (HCA) within certain commands and organizations under their purview. These HCA's designate contracting officers and issue them contracting officer warrants, which are the legal documents that authorize contracting officers to bind the government in contracts.

DOD HA's are listed in DFARS, Part 202. Currently HA's within the DOD are the SECDEF, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force and organizations designated defense agencies in the procurement system. Defense agencies as defined in the DFARS are the Defense Advanced Research Projects Agency, the Defense Commissary Agency, the Defense Finance and Accounting Service, the Defense Information Systems Agency, the Defense Intelligence Agency, the Defense Security Service, the Defense Logistics Agency, the National Imagery and Mapping Agency, the Defense Threat Reduction Agency, the National Security Agency, the Ballistic Missile Defense Organization, and the United States Special Operations Command.

Designation of procurement responsibility and authority is provided in an organization's charter. Delegation to execute that procurement authority is provided by direction of the SECDEF, from the USD (AT&L) through the Director of Defense Procurement in a memorandum of delegation to the organization. While USTRANSCOM's charter did provide the command responsibility and authority to procure, the command did not receive a delegation to execute. Without this delegation USTRANSCOM is prevented from asserting any of the procurement authorities that its charter envisions.

CURRENT TRANSPORTATION PROCUREMENT AUTHORITIES

USTRANSCOM has no procurement authority delegated to it for any type of procurement actions. While it has COCOM of the TCCs it can not direct or approve their procurement actions. The direction and approvals for the TCCs procurements is vested in their respective Service HA authority. Each TCC procures transportation services based on the missions they execute as Service procurement organizations, as designated by their respective Service as an HCA.

AMC procures airlift services from commercial air carriers. AMC-procured commercial airlift contracts are competed for by civilian airlines who in turn commit airplanes for DOD use in time of national emergency. The use of peacetime DOD business as an incentive for commitment to DOD in time of war was tested and validated during Operation DS/DS. The DOD program designed to award industry peacetime business for wartime commitment of aircraft is the Civil Reserve Air Fleet (CRAF) program. The CRAF program is the basis for current DOD surge and sustainment capabilities for airlift of personnel and cargo during contingencies.

Additionally AMC procures other charter airlift and express delivery services, such as the small package express air program, which are utilized by all of DOD. The contracts for these services are utilized to gain commitment from cargo carriers such as Federal Express and United Parcel Service to the CRAF program.

MSC procures sealift services for USTRANSCOM. MSC 's procures long term time charters for a half dozen dry cargo ships to support peacetime common user dry cargo operations, long term charters and operating contracts for afloat propositioning ships for the Army, Air Force and Marine Corps, and operating contracts for inactive surge sealift ships. Additionally MSC procures short-term time and voyage charters supporting exercises and emergency operations when organic ships are not available.

MTMC procures the movement of containerized cargo worldwide, this type of procurement involves both sealift and land surface movement conveyances. The contracting for containerized cargo is the basis for the current Voluntary Intermodal Sealift Agreement (VISA). VISA is an initiative to provide assured access to commercial shipping and intermodal facilities during contingencies, and benefits both the industry and DOD. VISA contractually provides phased access to vessel capacity and intermodal capability to support sustainment cargo or surge requirements. The VISA program awards DOD's peacetime business to industry based on a carrier's level of commitment of sealift capacity for DOD use during contingencies. This agreement, much like the CRAF program for airlift, provides for the awarding of peacetime containerized business to U.S. Flag sealift carriers in return for commitment of containerized sealift capacity during war. When fully implemented VISA will provided pre-negotiated contracts, guaranteed access to needed sustainment assets, contracts for capacity and intermodal resources in exchange for cargo business, and tailored sealift forces to meet the specific needs of a contingency. Additionally, MTMC procures all rail and truck transportation services along with port operations services, i.e. stevedores and material handling equipment. MTMC is also responsible for the procurement of services to move all DOD House Hold Goods (HHG's).

CURRENT LINES OF PROCUREMENT AUTHORITY FOR THE DTS SEC DEF **USTRANSCOM** USD (A,T&L) Sec of Air Force lead of Agency SAF/AQ ASA (ALT) ASN/DOA Executive Executive MTMC/CG Head of Contracting Activity AMC/CC Head of Contracting Activity MSC/NOO ntracting Activity MINC or Procure Official PROCUREMENT AUTHORITY COMMAND AUTHORITY

As shown in Figure 1., the TCCs carry out their procurement responsibilities under the oversight of their respective Services. Service HA's are responsible to the USD (AT&L). With no procurement authority, USTRANSCOM has little input into Service procurement chain of authority. Service supplements to the FAR and DFARS incorporate Service specific procedures and requirements. Service approval and reporting requirements differ as each Service's procurement system is constructed somewhat differently.

CURRENT PROCUREMENT PROCESS APPROVAL ISSUES

The Federal and DOD procurement systems require a review and approval process for waivers from established procurement policies and regulations. When contracting officers require such waivers their requests are submitted to their HCA. If the HCA does not have authority to approve the request it is forwarded to their respective HA for approval. In some instances the requests is then forwarded to the SECDEF for approval due to legal requirement for such approvals.

The approval process for justification and approval (J&A) requests are required by the FAR and DFARS, when limiting competition in the solicitation and award of a contract. The TCCs utilize J&As for many of their procurement actions. This type of action is often required in the procurement of transportation services due to requirements to limit competition in order to foster a mobilization base. Each TCC follows different procedures to secure approvals of J&As based on Service specific DFARS supplements.

MSC procurements above \$50M require forwarding to the Navy Senior Procurement Executive for approval. An AMC request for approval of the same type of J&A is approved at either HCA (AMC) or based on circumstances, is forwarded to the Assistant Secretary of the Air Force (Acquisition). MTMC follows Army procedures and as an HCA approves most of its requests to limit competition without higher authority approval, expect those utilizing Public Interest as the reason for limiting competition. The J&A approval process, is an example of how each TCC process for approval differs based on Service specific procedures.

When a TCC requires an approval of a procurement that is above its authority, that request is forwarded to the respective Service HA for approval. A J&A is not the only document that requires higher approval, an action referred to in procurement regulations as a determination and findings (D&F) also has a higher level approval process involved. A D&F is a written request for approval by an authorized official that is required by stature or regulation as a prerequisite to certain contracting actions. As with the J&A process the D&F process has varying levels of approval among the Services, some require HA approval or involvement. Also certain actions require Service HA authorities to forward the action to the SECDEF for approval. The J&A and D&F approval process for the TCCs show how Service policies and procedures differ even when the action is similar.

USTRANSCOM has no voice in the procurement approval process and relies on the TCCs to take its message forward to the HA approving authority. In the case of J&B, USTRANSCOM may find its self

trying to limit competition to foster a particular readiness program such as CRAF, and have the action frustrated by Service procurement regulations. A D&F may result in similar frustrations with Service peculiar requirements for approval of such actions.

USTRANSCOM PROCURMENT INITIAITVES

USTRANSCOM has undertaken initiatives in the area of procurement reengineering attempting to gain efficiencies and reduce costs. The command developed a 2010 Action Plan dated 1 Sep 1994. The plan stated as its goal "A fully integrated, joint intermodal transportation system providing seamless transition between peacetime and wartime operations." The 2010 Plan End State Objective concerning procurement envisioned a single integrated procurement system for USTRANSCOM.²³

Subsequently, at the direction of the Deputy Secretary of Defense, a reengineering of the DOD transportation process was initiated in May of 1995. The Deputy USD (AT) designated USTRANSCOM as the lead in reengineering the transportation acquisition process. USTRANSCOM used the 2010 Action Plan it had developed as a basis for this reengineering effort. The 2010 Plan envisioned an integrated and standardized process among the TCCs that would operate under a single transportation acquisition philosophy and policy. It further called for establishing mutually beneficial long term partnerships between government and the transportation industry. Areas that were identified as requiring corrective action were:

- 1. The inconsistent execution methods the TCCs utilize in procuring transportation and related services due to differing laws, policies, procedures and practices.
- The TCCs have competing goals and philosophies for contract awards. Different emphases on low cost, competitively awarded procurement on the spot market versus best value on long-term contracts with an emphasis on mobilization or readiness were at odds.
- 3. Automated systems did not have the capability to share standardized data elements and information bases, or take advantage of the benefits of Electronic Commerce/Electronic Data Interchange (EC/EDI) to enhance the procurement and operational support processes.²⁵

USTRANSCOM developed a "To-Be" process with four options that would meet the stated 2010 Action Plan vision. The "To-Be" process was designed to reduce procurement times and improve service to DTS customers. To accomplish this, USTRANSCOM would establish procurement policy requiring the use of broad scoped, long term, multi-year umbrella contracts. This was different from the TCCs current practice of awarding annual contracts that required procurement actions each year at a high cost of internal resources. The streamlining of the procurement process had the possibility of yielding significant resource savings to DOD. The four "To-Be" options developed were:

Option 1- "As-Is, would retain the current process.

Option 2- HA/HCA, USTRANSCOM would receive/assume the authority and high-level policy and guidance with execution performed at the TCCs.

Option 3- Streamlined Acquisition/ Joint Mobility Control Group (JMCG) Support where transportation acquisition activities were combined in the JMCG organization at USTRANSCOM for coordination and optimization of transportation acquisition operations. USTRANSCOM, delegated HA, would streamline the acquisition execution process at the TCCs, who would retain HCA delegation from USTRANSCOM.

Option 4- Total Combined Transportation Acquisition, centralizes all transportation acquisition execution at one location, USTRANSCOM. USTRANSCOM delegated HA/HCA authorities. TCCs would have no procurement authority under this option.²⁶

USTRANSCOM performed an economic analysis of the proposed options. This involved gathering all the cost involved in procurement execution under the current process at USTRANSCOM and the TCCs. The analysis identified costs savings as a result of adopting a particular option.

	\$000 000					
	1st Yr	2nd Yr	3rd Yr	4th Yr	5th Yr	1-20TH Yr
OPTION 1	. 0	0	0	0	0	0
OPTION 2	\$13.2	\$12.8	\$12.5	\$12.1	\$11.8	\$202.8
OPTION 3	\$33.1	\$39.1	\$38	\$36.9	\$35.8	\$610.1
OPTION 4	\$33.8	\$40.1	\$38.9	\$37.8	\$36.7	\$624.7

FIGURE 2

Figure 2 shows the results of the analysis in millions of dollars over a 20-year period. While option 4 resulted in the greatest cost savings it was discarded as it was judged to have extensive political barriers to its adoption at that time. Option 3 was decided as the most advantageous to the Command based on its cost savings and would reduce overlapping transportation procurement activities. Under this option USTRANSCOM would receive delegation as HA for the procurement of transportation services, with the TCCs executing contracts as HCAs under USTRANSCOMs direction. The difference between this option and option 2 would be the melding of the acquisition staff into the JMCG organization structure at USTRANSCOM.

None of these options were acted on by USTRANSCOM. The initiative lost momentum and, instead of consolidating any functions at USTRANSCOM, the functions remained in the TCCs.

VISA PROGRAM FRUSTRATIONS

USTRANSCOM in 1995 began designing the VISA sealift program, with the intent that it would function in a similar manner as the airlift CRAF program. USTRANSCOM attempted to put this program into existence with varying degrees of success. It took USTRANSCOM almost two years to convince MSC to develop an acquisition strategy to implement the program. MSC's HA (Navy) was also unconvinced that the VISA program was required causing USTRANSCOM to expend significant resources at the SECDEF level to gain program approval by its own component. ²⁸ General Walter Kross,

when asked what was the biggest hurdle to overcome to get the VISA moving forward, the former CINCTRANS responded, "Past relationships, primarily those between our component, MSC and industry. MSC was always trying to squeeze the last ounce of sweat out of these companies. There were decades of mutual adversarial distrust."²⁹

At the time of inception of VISA program, MSC was in the process of awarding the single worldwide DOD liner/container transportation services contract, titled Universal Service Contract (USC 01). This annually awarded contract provided ocean and overland rates for DTS customers use to move containerized cargo worldwide. USTRANSCOM requested that MSC utilize this contract to provide the incentive for carriers to commit cargo capacity to the VISA program. As USTRANSCOM wanted industry commitment to VISA to result in cargo awarded to carriers based on their commitment to DOD during a contingency or war. USTRANSCOM attempted to lead the process involved in the award of the contract in much the same way a program manager would in awarding a weapon system contract. But as noted above, MSC's relationship with industry proved to turn all discussions on the contract requirements and the linkage to VISA into nonproductive meetings. The contract process went through all the procurement steps numerous times but never reached the point of award by MSC.

The Deputy Commander in Chief, Lieutenant General Kenneth R. Wykle, on commenting on the process for the award of USC01 stated: "Right now the current contracting process for ocean shipping is long, laborious, and bureaucratic. We spend ten months trying to agree on a rate, we start using that rate, and two months later we are into the process of preparing for the next year's rate. That ten-month-long contracting process takes over 100 different steps. It's expensive just in terms of the manpower. There must be a better way." USTRANSCOM attempted to reengineer the process used to award USC01, this initiative failed as USTRANSCOM without HA procurement authority was powerless to change the MSC process. As USTRANSCOM possessed no authority in MSC's procurement authority chain it was left up to MSC to attempt to reengineer a process that the TCC was very comfortable with. This reengineering effort failed, with little if any changes were made to the over 100 procurement steps in the awarding of USC01.

On 30 January 1997 the SECDEF approved VISA as an alternate to the existing Sealift Readiness Program.³¹ The USC01 process at MSC was still not awarded and USTRANSCOM efforts to move the process ahead remained stag net. On 1 October 1997, USTRANSCOM, acting under its COCOM authority, moved the mission of procurement of ocean transportation services of containers and the related intermodal services for containers from MSC to MTMC.³²

MTMC awarded USC01 on February 1, 1998, with a contract length of six months. It provided rates for the movement of containerized peacetime DOD cargo worldwide. The linkage between the VISA program and USC01 was unfortunately not incorporated into the contract. As this was contract for only six months work was initiated immediately on a follow-on contract designated USC02. MTMC was given the task of linking this contract to the VISA program. MTMC struggled with this task. The process to contract for the movement of containerized cargo was never reengineered and it remained long and

inefficient. USTRANSCOM was again frustrated with attempts to reengineer as MTMC's procurement authority rests with the Army. USTRANSCOM attempted to work with MTMC to facilitate the process, and was met with varying degrees of success. It was not until 14 February 2000 that USC02 was finally awarded, as a one-year contract³³. This resulted in the initiation of procurement process for awarding the follow-on contract immediately as it had taken over 18 months to award USC02.

GENERAL ACCOUNTING OFFICE CRITICISM

In February 1996 the General Accounting Office (GAO) issued a report advocating streamlining of a number of processes and functions within USTRANSCOM. The report focused in on costs the DTS users pay for moving cargo and personnel in the DTS. These transportation costs are alleged substantially higher than what DOD should pay for the services received. The report highlighted USTRANSCOM's fragmented and inefficient organizational structure and management processes that result in higher costs to the DTS user. The report noted that the DTS organizational structure is hampered by duplication and overlapping processes.³⁴.

While commercial transportation systems have move to an intermodal transportation process, where cargo is moved from point A to point B by one transportation provider managing the move through one or more modes, the DTS is currently very mode specific in its organization and execution. A DOD customer's request for overseas defense transportation services may require as many as five separate organizations actions within MTMC and MSC to move a single shipment. Customers are often billed by five separate activities within the TCCs to reimburse them for their specific modal services. The process of how the TCCs procure transportation services in their modal area is very complex and time consuming. The rate negotiation process is inefficient and not designed to facilitate customer services, as by the time the rates are utilized to move cargo they are often over a year old and not reflective of current market prices. The process requires extensive resources due to the annual rate negotiation cycle followed by the TCCs. USTRANSCOM employs five separate systems and strategies for negotiating rates, and each system reflects a particular service's approach to procurement. 36

DEFENSE REFORM INITIATIVE DIRECTIVE PROCUREMENT INIATIVE

In June 1998 the SECDEF designated USCINCTRANS as the first Reinvention Commander in Chief.³⁷ This was initiated to allow USTRANSCOM to reengineer business process, in an attempt to mirror the transportation industry. During discussions with DTS customers and industry partners the cost effectiveness of defense transportation was often compared with industry transportation services. The discussions noted that USCINCTRANS did not have the same tools as chief executive officers, particularly in the areas of financial, process, and organizations controls.³⁸

To overcome these limitations USTRANSCOM formulated a number of reinvention proposals under the Defense Reform Initiative Directives (DRID) process. The DRID process was introduced by the SECDEF on November 10, 1997 to improve business practices in the DOD and to identify savings, and

migrate resources to support modernization accounts. It proposed top down change with the adoption of the best practices from the private sector, streamlining operations, benefit from public and private competition and elimination of functions, structures and unnecessary jobs. This initiative complemented the National Partnership for Reinventing (NPR) Government, Acquisition, Financial Management and Quality of Life Reforms.³⁹ The number one USTRANSCOM DRID was;

Delegation of Head of Agency authority to USCINCTRANS for procurement of Common-User Transportation and Related Services to enable USCINCTRANS, single manager of defense transportation, to ensure that commercial contracts comply with DTS strategies and objectives. 40

A draft DRID was developed, titled; Department of Defense Reform Initiative Directive #XX—Designation of USCINCTRANS as Head of Agency for Purposes of Acquisition of Common-User Transportation and Related Services. Its goal was to obtain designation of USTRANSCOM as a DOD Contracting Activity and delegate it as exclusive DOD HA for common user transportation service contracts. The DRID stated:

In 1992, USTRANSCOM was designated as the Department of Defense's single manager for common-user transportation and delegated authority to procure transportation services. In response to congressional direction, USTRANSCOM has been working diligently through OSD and the Military Departments to reduce overhead costs for the Defense Transportation System (DTS) and to eliminate duplication of effort among its component commands. USTRANSCOM's very significant efforts to date to streamline the DTS organization and to adopt operating efficiencies, especially in light of the increased emphasis on intermodalism in the transportation industry, will be greatly enhanced by this designation. As HA, USTRANSCOM will be better able to formulate and execute intermodal acquisition policies and procedures, to implement best business practices, and to more efficiently meet changing operating requirement of the Department of Defense.

PROCUREMENT LINES OF AUTHORITY WITH USTRANSCOM AS HA FOR THE DTS

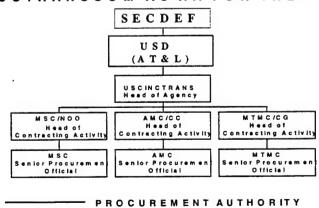


FIGURE 3

As shown in Figure 3. as HA for the procurement of transportation services USTRANSCOM would control the procurement process that supports its mission. TCCs would receive their delegation as HCA's from USTRANSCOM. This would put USTRANSCOM in the decision and approval process for procurements of transportation services in support of its mission. USTRANSCOM could then utilize flexibility to institute changes and innovative programs designed to decrease the cost of transportation to the DTS user. Streamlining within the DTS procurement process, a much sought after goal, could then be undertaken. At the same time, USTRANSCOM, under the title of HA could strengthen the strategic mobility features that the transportation service procurements provide through expanded partnering with industry. The process for approvals and procurement decisions for the TCCs, could then be standardized and streamlined.

SERVICE ISSUES WITH USTRANSCOM PROCUREMENT AUTHORITY DRID

The DRID (Draft) requesting USTRANSCOM execution authority for procurement and HA designation was sent out for comment to the Services, OSD and the Joint Staff. The Air Force, Marine Corps and Navy came back with objections to this proposal.

Navy issues for non-concurrence .-: 41

The Navy believed that legislation would be required to implement such an action.

Change required the performance of a cost benefit analysis.

Believed the change would turn USTRANSCOM into a quasi-combat support agency.

Requested extensive clarification as to the extent of the proposed USTRANSCOM HA authority.

Air Force issues for non-concurrence:⁴²

Duplicated resources currently existing in transportation component commands.

Created an unacceptable contracting relationship between components and USTRANSCOM.

They Reaffirmed Air Force responsibility for AMC procurements which they, the Air Force were accountable for under federal contracting procedures and statutes.

U.S. Marine Corps issues for non-concurrence:⁴³

Requested specifics on where manning and funding for additional personnel would come from.

Requested a plan of action and milestones for implementation.

Stated change would necessitate significant reengineering of existing process, yet directed immediate implementation

Other responses were either a concurrence or concurrence with comment. Concurrences with comment focused on resourcing of such a change, came from the Army⁴⁴ and the office of the Secretary of Defense (Comptroller)⁴⁵. Concurrences were received from The Joint Staff⁴⁶ and the Office of the Secretary of Defense (A&T)⁴⁷.

USTRANSCOM did not respond in writing to any of the non-concurrences. A briefing of the proposed action was given to the Principal Deputy Assistant Secretary of the Air Force for Acquisition and

Management, Ms Darleen Druyun. The briefing outlined the changes as noted in the draft DRID. The briefing ended with Ms Druyun restating the position noted in the previous Air Force non-concurrence.

Between the Service non-concurrences and the failed briefing to the Principle Deputy Assistant Secretary of the Air Force, USTRANSCOM backed away from the DRID that would have provided it the delegation of HA procurement authority.

The draft DRID designating USCINCTRANS as HA, for common-user transportation service procurements, was one of fourteen DRIDs USTRANSCOM proposed. The DRID process along with USTRANSCOM's designation as a reinvention CINC was thought to provide the impetus for change. The change would allow the move to commercial business practices and streamlining of the procurement process. The initiative lost momentum due to Services objections and resulted in no action on the HA DRID, which was ultimately withdrawn. General Kross, USCINCTRANS during this period, stated:

"Being a reinvention CINC allows us to press forward quickly on many small initiatives that we know we can get done, and then morph or transform ourselves so that in many areas we are significantly ahead, in other areas we're abreast, and in still others we're in radar contact. Unfortunately, the term "reinvention" is now losing its original meaning. The Air Force diluted the reinvention thing and the Navy reinvented the reinvention process."

General Kross believed that USTRANSCOM should not have used the DRID process as it was met with Service resistance that has typically been found in DOD during any period of change. He noted the issues were:

"They took our fourteen initiatives and made them DRIDs, which caused our partners to accuse us of breaking faith. If we had kept them as fourteen initiatives, every on of our partners, the military Services included, would have probably signed up by saying, "TRANSCOM has the competency in these areas. They are doing great work for us. Let's trust them." But instead, the old pattern of distrust emerged in the military Service staffs, slowing us down to a grinding halt. SECDEF's agent, Bill Houley, gave us back our box of fourteen initiatives and said, "I can't work these. But call this number and that number and they will help you navigate through the woods." We were able to get maybe four or five of them done. It's a classic case of how the Department is struggling to reform and reinvent itself but can't because the military services won't allow it." "

SUMMARY

USTRANSCOM is still faced with the responsibility and authority for the procurement of transportation services in support of its mission without a delegation to execute this authority. The DTS system remains under scrutiny due to high costs, with the procurement process partially responsible for rising costs. Also, the Services control the execution of the TCC's procurement process through current procurement lines of authority, thus frustrating USTRANSCOMs ability to enhance mobility programs.

The Service's non-concurrence of the DRID requesting HA authority do not provide any basis to withhold this authority from USTRANSCOM. Legislation is not required for this action; USTRANSCOM's charter delegates both the responsibility and authority to procure commercial transportation services. A delegation from the SECDEF is required, under DOD policy, to designate USTRANSCOM as a HA. The

cost benefit analysis performed in 1996 revealed a cost savings for this action. The allegation that this action would turn USTRANSCOM into a quasi-combat support agency, is a "so what" type of criticism. As HA USTRANSCOM would not duplicate resources currently in TCCs, as the TCCs are HCA's, who have different functions. Reorganization would reduce TCC staffs eliminating duplicative recourses allowing consolidation of functions at USTRANSCOM. This action establishes clear lines of contracting authority with the TCCs facilitating streamlining of the procurement approval process. Accountably under federal contracting procedures and statues would reside in USTRANSCOM. Personnel and funding for this action currently exists within USTRANSCOM and its TCCs. This action has the possibility of reducing personnel requirements thus lowering costs, as noted in the economic analysis.

GAO's 1996 report criticized USTRANSCOM for maintaining a fragmented and inefficient organizational structure coupled with a management process resulting in higher costs to the DTS user. The report noted that the DTS organizational structure is hampered by duplication and overlapping processes, within the TCCs. USTRANSCOM must respond to such criticism with programs reducing DTS cost, one of the elements of these high costs is the current fragmented procurement process. Without the ability to streamline and reengineer the procurement process, the possibility of lower DTS costs is unlikely.

USTRANSCOMs reliance on industry requires the command to mirror industry best practices in order to gain efficiencies. Industry provides transportation services in an intermodal fashion to its customers. Intermodal transportation is noted for single customer interface, single agreements or contracts for a move and lower costs due to less administrative overhead. DTS moves are procured through the TCCs in a mode specific manner. Rates and transportation services are negotiated and then procured in stove pipe modal processes, which are performed annually by the TCCs, further exasperating this resource intensive process. The TCCs executing contracts under their Service specific policies and procedures appear unwilling to change current practices. The procurement of intermodal transportation services would provide USTRANSCOM another means of reducing DTS costs due to efficiency gained under this method of transportation services.

DTS procurement policies and procedures require a single focus as opposed to the varied approach now found in the TCCs. USTRANSCOM's 2010 Action Plan envisioned a single integrated procurement system for the command. The varied methods of procurement used by the TCCs due to their Service affiliation deviate from a single focus. While USTRANSCOM currently has the authority to change transportation policy it is unable to change supporting transportation procurement policies. Without HA authority USTRANSCOM is left with no ability to reform or streamline current policies for the procurement of commercial transportation services.

The Command requires a new and innovative strategy for this action. Requesting Service approval has proven to slow and kill any initiative as noted by former USTRANSCOM CINC. A request for delegation to the Command of HA authority for the procurement of transportation services forwarded through the USD (AT&L) to the SECDEF is the action required. The SECDEF's delegation to execute the

procurement authority found in USTRANSCOM's charter will delegate the authority to match the Command's charter.

The last attempt by the Command to gain HA and procurement execution authority was in September 1998 with no further effort to date. Without HA authority, USTRANSCOM can not reengineer or change TCC procurement policies, processes or regulations. DTS costs are impacted by the processes the TCC's used to procure transportation services, as well as the type of contracts utilized, i.e. annual verses multi-year contracts. The delegation to execute USTRANSCOM's procurement authority from the SECDEF is the last tool USTRANSCOM requires to fully implement the vision contained in its' charter. It is unclear why USTRANSCOM has not pursued the delegation. With DTS rising cost under greater review and DOD utilizing the DTS more the issue of reducing DTS costs will not go away.

USTRANSCOM as HA for the procurement of transportation services would enable DOD to realize cost savings for DTS movements. The reengineering and streamlining of current TCC procurement execution systems require immediate attention. Many of the current issues with the DTS procurement process could then be addressed by a single command with the procurement authority to change or establish policy, organizations and the processes. HA consolidation at USTRANSCOM for the procurement of transportation services will match procurement authority and responsibility found in the Commands charter with the possibility of further enhancements to mobility programs supporting the DTS.

Total Word Count: 6971

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 - ²⁵ Ibid., 1-3.
 - ²⁶ Ibid., ES-2.
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